

South Australia



**ASSOCIATIONS INCORPORATION (MISCELLANEOUS)
AMENDMENT ACT 1997**

No. 29 of 1997

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Further Amendments of Principal Act



ANNO QUADRAGESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1997

No. 29 of 1997

An Act to amend the Associations Incorporation Act 1985.

[Assented to 12 June 1997]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Associations Incorporation (Miscellaneous) Amendment Act 1997*.

(2) The *Associations Incorporation Act 1985* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 3—Interpretation

3. Section 3 of the principal Act is amended by striking out the definition of "financial year" in subsection (1) and substituting the following definition:

"financial year", in relation to an incorporated association, means—

- (a) in the case of an association whose rules fix a period ending on a specified day as the association's financial year—
 - (i) if such a period is fixed or varied at incorporation or during the first financial year of the association—the period not exceeding 18 months commencing on the date of incorporation and ending on the day specified;
 - (ii) if such a period is fixed or varied during any subsequent financial year—the period not exceeding 12 months commencing at the end of the last preceding financial year and ending on the day specified;
 - (iii) each succeeding period of 12 months ending on the day specified;

- (b) in the case of an association whose rules do not fix a period as the association's financial year—
 - (i) the period commencing on the date of incorporation and ending on the next succeeding 30 June;
 - (ii) each succeeding period of 12 months ending on 30 June;.

Amendment of s. 6—Inspection of documents

4. Section 6 of the principal Act is amended—

- (a) by striking out from subsection (2) "A person may" and substituting "Subject to subsection (2a), a person may";
- (b) by inserting after subsection (2) the following subsection:

(2a) The Commission may, at the request of a person whose residential address appears in a register or document that is available for inspection under this section, take any steps necessary to ensure that the person's address is not publicly disclosed under this section.

Amendment of s. 23A—Contents of rules of an incorporated association

5. Section 23A of the principal Act is amended by striking out subparagraph (iv) of subsection (1)(c).

Amendment of s. 24—Alteration of rules

6. Section 24 of the principal Act is amended by striking out from subsection (3)(b) "a member of the committee of the association or".

Insertion of s. 24A

7. The following section is inserted in Division 3 of Part 3 of the principal Act after section 24:

Court may order variation of rules

24A. (1) The rules of an incorporated association may be varied, on the application of the association, by the Supreme Court.

(2) Where the rules of the incorporated association provide for the membership of the association, a meeting of the members must be held, before an application is made under this section, to explain the purposes of the proposed application and seek the views of the members in relation to the proposed application.

(3) Notice of an application under this section must be given as the Supreme Court directs.

(4) The Supreme Court may, on application under this section, order that the rules of an incorporated association be varied in a manner the Court thinks fit, if it is satisfied that—

- (a) the rules unduly limit the conduct of the association's affairs; and

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- (b) the variation of the rules—
 - (i) is consistent with the objects of the association; and
 - (ii) will not prejudice any member of the association; and
 - (iii) is justified in the circumstances of the particular case.

(5) Before making an order under this section the Supreme Court must have regard to any views expressed by members of the association in relation to the proposed variation at a meeting held in accordance with subsection (2).

(6) The Commission is entitled to appear and be heard in relation to an application under this section.

Amendment of heading

8. The heading to Division 2 of Part 4 is amended by striking out "**CERTAIN INCORPORATED**" and substituting "**PRESCRIBED**".

Amendment of s. 35—Accounts to be kept

9. Section 35 of the principal Act is amended—

- (a) by striking out from subsection (2)(c)(i) "stating that" and substituting "stating whether or not";
- (b) by inserting after paragraph (b) of subsection (4) the following paragraph:
 - (ba) an employee; or;
- (c) by inserting in subsection (5) "in relation to each officer of the association" after "stating";
- (d) by inserting in subsection (5)(a) "or not" after "whether";
- (e) by striking out subparagraph (i) of subsection (5)(a) and substituting the following subparagraph:
 - (i) the officer; or;
- (f) by striking out from subsection (5)(b) "whether, during the financial year to which the accounts relate, an officer of the association" and substituting "whether or not, during the financial year to which the accounts relate, the officer";.

Amendment of s. 37—Provisions relating to auditors acting under this Division

10. Section 37 of the principal Act is amended—

- (a) by striking out paragraph (d) of subsection (3);
- (b) by inserting in subsection (4) "of a prescribed association" after "an auditor".

Insertion of heading

11. The following heading is inserted in Part 5 of the principal Act before section 40A:

DIVISION 1—GENERAL

Insertion of s. 40B

12. The following section is inserted in the principal Act after section 40A:

Power to enter into voluntary administration

40B. Part 5.3A and Division 3 of Part 5.9 of the *Corporations Law* applies, with such modifications, additions or exclusions as may be necessary for the purpose, or as may be prescribed, as if an incorporated association were a company and as if that Part were incorporated into this Act.

Amendment of s. 41—Winding up of incorporated association

13. Section 41 of the principal Act is amended by striking out from subsection (2) "5.4 to 5.6" and substituting "5.4B, 5.5, 5.6, Divisions 1 and 2 of Part 5.7B and Division 3 of Part 5.9".

Substitution of s. 41B

14. Section 41B of the principal Act is repealed and the following sections are substituted:

Reports to be submitted to liquidator

41B. (1) Where an incorporated association is wound up by the Supreme Court—

- (a) the members of the committee of the association (as at the date the order for winding up was made or any earlier date specified by the liquidator) must submit a report to the liquidator in the prescribed form within 14 days after the making of the winding up order; and
- (b) any officer or former officer of the association who has received notice in writing from the liquidator must submit a report to the liquidator, containing the information specified in the notice, within 14 days of service of the notice.

(2) A liquidator must, within seven days after receiving a report under this section, lodge a copy of that report with the Supreme Court and the Commission.

(3) On application by a committee or person required to submit a report under this section, the liquidator may, if satisfied that special reasons exist, extend the time for submitting that report.

(4) The liquidator must, as soon as practicable, notify the Commission of any extension of time granted under subsection (3).

(5) A person who fails to comply with a requirement of subsection (1), (2) or (4) is guilty of an offence.

Maximum penalty: \$5 000.

(6) The liquidator must reimburse a person who has made a report under this section, out of the property of the association, for the reasonable costs of making the report.

Declaration of solvency

41C. (1) Where it is proposed to wind up an incorporated association voluntarily, a majority of the members of the committee may make a written declaration to the effect that they have made an inquiry into the affairs of the association and that, at a meeting of the committee, they have formed the opinion that the association will be able to pay its debts in full within a period not exceeding 12 months after the commencement of the winding up.

(2) A declaration made under this section must be made and lodged with the Commission before the date on which notices of the meeting at which the resolution for winding up is to be proposed are sent out, or at a later date approved by the Commission.

(3) A statement showing the affairs of the association, in the form prescribed by the regulations, must be attached to a declaration under this section.

(4) A declaration under this section has no effect unless—

(a) the resolution for voluntary winding up is passed within the period of five weeks after the making of the declaration or within any further period approved by the Commission (whether approved before or after the end of that five week period); and

(b) the other requirements of this section have been complied with.

(5) A member of the committee who makes a declaration under this section (including a declaration that has no effect in accordance with subsection (4)) without having reasonable grounds for the opinion stated in the declaration is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for one year.

(6) If the association is voluntarily wound up within the period of five weeks after the making of the declaration or a further period approved by the Commission under subsection (4)(a) but its debts are not paid or provided for in full within the period stated in the declaration, it will be presumed, unless the contrary is shown, that a member of the committee who made the declaration did not have reasonable grounds for his or her opinion.

Disclosure to creditors on voluntary winding up

41D. (1) Where a meeting of creditors of an incorporated association is to be held in accordance with Division 3 of Part 5.5 of the *Corporations Law*, the committee of the association must—

(a) cause to be laid before the meeting of creditors a report in the form prescribed by the regulations, and verified by all members of the committee, as to the affairs of the association, made up to the latest practicable date before the notices of the meeting of creditors were sent; and

(b) appoint a member of the committee to attend the meeting of creditors.

(2) A member of the committee appointed under subsection (1)(b) must attend the meeting of creditors and disclose to the meeting the affairs of the association and the circumstances leading up to the proposed winding up.

(3) The committee must, not later than seven days after the report referred to in subsection (1)(a) is laid before the meeting of creditors, lodge a copy of the report with the Commission.

(4) If a committee or a committee member fails to comply with a requirement of this section, each committee member or that particular committee member (as the case may be) is guilty of an offence.

Maximum penalty: \$5 000.

Penalty for contravention of applied provisions

41E. A person who contravenes or fails to comply with a provision of the *Corporations Law* as it applies to an incorporated association by virtue of this Part is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for 1 year.

Insertion of s. 43A

15. The following section is inserted in the principal Act after section 43:

Application for deregistration

43A. (1) A person authorised by a special resolution of an incorporated association that has surplus assets of a value not exceeding the prescribed amount may apply to the Commission, in the form prescribed by the regulations, for deregistration of the association.

(2) Where it is impracticable for an incorporated association to authorise a person to make an application under this section because the association no longer has an active membership, the Commission may accept an application signed by not less than two people each of whom is—

- (a) an officer of the association; or
- (b) a member of the association; or
- (c) a person who, in the opinion of the Commission, has a proper interest in the application.

(3) An application under this section must be accompanied by—

- (a) a declaration in the prescribed form stating that the association has no liabilities and is not a party to any legal proceedings; and
- (b) a statement setting out the proposed manner of distributing the association's surplus assets (or, where distribution has already occurred, setting out the basis on which that distribution was made); and
- (c) any other prescribed material; and
- (d) the prescribed fee.

(4) A party to an application under this section must, at the request of the Commission, supply it with such further documents or information as the Commission may require.

(5) Where an incorporated association making an application under this section does not have any valid rules governing the distribution of surplus assets on deregistration, the two people making an application under subsection (2) may request that the Commission approve the manner or proposed manner of distribution.

(6) The Commission must, in approving a manner of distribution of surplus assets of an incorporated association, have regard to the objects of the association and any relevant provisions of the rules of the association.

(7) Within one month of the receipt of an application under this section, the Commission must publish a notice, in a newspaper circulating generally throughout the State, setting out the prescribed particulars of the application and inviting members of the public to make written submissions to the Commission, within one month of the date of publication of the notice, in relation to the application.

(8) In relation to an incorporated association that has not distributed its surplus assets, the Commission may, but is not obliged to, after the expiration of one month from the date of publication of the notice under subsection (7), approve the application for deregistration of the association if satisfied that—

- (a) the proposed manner of distribution of surplus assets is consistent with the requirements under section 43 in relation to distribution of assets upon winding up or with an approval of the Commission; and
- (b) no member of the public will suffer undue hardship as a result of deregistration of the association.

(9) In relation to an incorporated association that has distributed its surplus assets, the Commission must, after the expiration of one month from the date of publication of the notice under subsection (7) or after the receipt of evidence satisfactory to the Commission as to the manner of distribution of surplus assets (whichever is the later), approve the application for deregistration of the association if satisfied that—

- (a) the manner of distribution of surplus assets was consistent with the requirements under section 43 in relation to distribution of assets upon winding up or with an approval of the Commission; and
- (b) no member of the public will suffer undue hardship as a result of deregistration of the association.

(10) Within one month of an application under this section being approved, the Commission must publish a notice in the *Gazette* advising members of the public that the association named in the notice was deregistered under this section on the date specified in the notice.

(11) On publication of a notice in the *Gazette* under subsection (10), the association named in the notice will be taken to be dissolved.

(12) In this section—

"prescribed amount" means—

- (a) \$5000; or
- (b) if a greater amount is prescribed by regulation, that amount;

"surplus assets", in relation to the deregistration of an incorporated association, means those assets that remain after the liabilities of the association have been discharged and the costs and expenses of deregistration have been paid.

Insertion of Division

16. The following Division is inserted in Part 5 of the principal Act after section 49:

DIVISION 2—OFFENCES

Interpretation and application

49AA. (1) This Division applies to an incorporated association—

- (a) that is being or has been wound up;
- (b) that has been in the course of being wound up, where the winding up has been stayed or terminated;
- (c) of which a provisional liquidator has been appointed;
- (d) that is or has been under administration;
- (e) that has executed a deed of arrangement (even if the deed has since been terminated);
- (f) that is defunct or is unable to pay its debts.

(2) For the purposes of this Division, an incorporated association will be taken to be defunct if, and only if, the Commission has served or published notice in respect of the association under section 44(1).

(3) For the purposes of this Division, an incorporated association will be taken to be unable to pay its debts if, and only if, execution or other process issued on a judgement, decree or order of any court in favour of a creditor of the association is returned unsatisfied in whole or in part.

(4) In this Division—

"appropriate officer" means—

- (a) in relation to an incorporated association that is being, has been or has been being wound up—the liquidator;
- (b) in relation to an incorporated association of which a provisional liquidator has been appointed—the provisional liquidator;

- (c) in relation to an incorporated association that is or has been under administration—the administrator;
- (d) in relation to an incorporated association that has executed a deed of arrangement—the deed's administrator;
- (e) in relation to an incorporated association that is defunct or is unable to pay its debts—the Commission;

"relevant day" means—

- (a) in relation to an incorporated association that has been wound up or is being or has been being wound up—
 - (i) if, because of the application of Division 1A of Part 5.6 of the *Corporations Law*, the winding up is taken to have begun on the day when an order that the association be wound up was made—the day on which the application for the order was filed;
 - (ii) otherwise—the day on which the winding up is taken, because of Division 1A of Part 5.6, to have begun;
- (b) in relation to an incorporated association of which a provisional liquidator has been appointed—the day on which the provisional liquidator was appointed;
- (c) in relation to an incorporated association that is or has been under administration—the day on which the administration began;
- (d) in relation to an incorporated association that has executed a deed of arrangement—the day on which the deed was executed;
- (e) in relation to an incorporated association that is defunct—the day on which notice was served or published under section 44(1);
- (f) in relation to an incorporated association that is unable to pay its debts—the day on which execution or other process was first returned unsatisfied in whole or in part in respect of the association.

Non-disclosure

49AB. (1) An officer or former officer of an incorporated association to which this Division applies who—

- (a) does not, to the best of the person's knowledge and belief, fully and truly disclose to the appropriate officer—
 - (i) all the property of the association; and
 - (ii) how, to whom, for what consideration and when the association disposed of any part of its property, except such part as has been disposed of in accordance with the rules of the association; or

- (b) does not deliver up to the appropriate officer, or as the appropriate officer directs—
 - (i) all the property of the association in the person's custody or under the person's control and that the person is required by law to deliver up; or
 - (ii) all documents in the person's custody or under the person's control belonging to the association and that the person is required by law to deliver up; or
- (c) has, within five years before the relevant day or at any time on or after that day—
 - (i) fraudulently concealed or removed any part of the association's property to the value of \$100 or more; or
 - (ii) concealed a debt due to or from the association; or
 - (iii) fraudulently parted with, altered or made any omission in, or been privy to fraudulent parting with, altering or making an omission in, a document affecting or relating to affairs of the association; or
 - (iv) by a false representation or other fraud, obtained on credit for or on behalf of the association, property that the association has not subsequently paid for; or
 - (v) fraudulently pawned, pledged or disposed of property of the association that has been obtained on credit and has not been paid for; or
- (d) fraudulently makes any material omission in a statement relating to the affairs of the association; or
- (e) knowing or believing that a false debt has been proved by a person, fails for a period of one month to inform the appropriate officer of the knowledge or belief; or
- (f) prevents the production of any document affecting or relating to the affairs of the association; or
- (g) within five years before the relevant day, or at any time on or after that day, has attempted to account for any part of the association's property by making entries in the association's documents showing fictitious transactions, losses or expenses; or
- (h) within five years before the relevant day, or at any time on or after that day, has been guilty of any false representation or other fraud for the purpose of obtaining the consent of the association's creditors or any of them to an agreement relating to the association's affairs or to the winding up,

commits an offence.

Maximum penalty: \$10 000 or two years imprisonment.

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(2) If a person pawns, pledges or disposes of property in circumstances that amount to an offence under subsection (1)(c)(v), a person who takes in pawn or pledge or otherwise receives the property knowing it to be pawned, pledged or disposed of in those circumstances commits an offence.

Maximum penalty: \$10 000 or two years imprisonment.

Failure to keep proper records

49AC. (1) If—

- (a) a provision of section 39C was not complied with, in respect of a incorporated association to which this Division applies, during the whole or any part of the period of two years immediately preceding the relevant day or the period between the incorporation of the association and the relevant day, whichever is the shorter; and
- (b) the incorporated association was at any time during that period, or became at a later time, an incorporated association to which this Division applies,

a member of the committee of the association who failed to take all reasonable steps to secure compliance by the association with the provision throughout that period and any other officer of the association who is in default each commit an offence.

Maximum penalty: (a) if the offence is committed in respect of a prescribed association—\$5 000 or one year imprisonment; or
(b) in any other case—\$5 000.

(2) It is a defence to proceedings against a person under this section if it is proved that the person had reasonable grounds to believe and did believe that a competent and reliable person was charged with the duty of seeing that the requirements of section 39C were complied with and was in a position to discharge that duty.

(3) A person who has been convicted of an offence under section 39C(3) constituted by a particular act, omission or course of conduct (including a course of omissions) is not liable to be prosecuted for, or convicted of, an offence under this section constituted by the same act, omission or course of conduct during the same period or any part of it.

Incurring debts not likely to be paid

49AD. (1) Where—

- (a) an incorporated association has incurred a debt; and
- (b) immediately before the time when the debt was incurred—
 - (i) there were reasonable grounds to expect that the incorporated association will not be able to pay all its debts as and when they become due; or
 - (ii) there were reasonable grounds to expect that, if the incorporated association incurs the debt, it will not be able to pay all its debts as and when they become due; and

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- (c) the incorporated association was, at the time when the debt was incurred, or becomes, at a later time, an incorporated association to which this Division applies,

a person who was a member of the committee of the association, or took part in the management of the association, at the time when the debt was incurred commits an offence.

Maximum penalty: \$5 000 or one year imprisonment.

(2) In any proceedings against a person under subsection (1) it is a defence if proved—

- (a) that the debt was incurred without the person's express or implied authority or consent; or
- (b) that at the time when the debt was incurred, the person did not have reasonable cause to expect—
- (i) that the incorporated association would not be able to pay all its debts as and when they became due; or
- (ii) that, if the incorporated association incurred that debt, it would not be able to pay all its debts as and when they became due.

(3) Where—

- (a) an incorporated association has done an act (including the making of a contract or the entering into of a transaction) with intent to defraud creditors of the association or of any other person or for any other fraudulent purpose; and
- (b) the incorporated association was at the time when it does the act, or becomes at a later time, an incorporated association to which this Division applies,

a person who was knowingly concerned in the doing of the act with that intent or for that purpose commits an offence.

Maximum penalty: \$10 000 or two years imprisonment.

(4) A certificate issued by a court stating that a person specified in the certificate—

- (a) was convicted of an offence under subsection (1) in relation to a debt specified in the certificate incurred by an incorporated association so specified; or
- (b) was convicted of an offence under subsection (3) in relation to an incorporated association specified in the certificate,

is, in any proceedings, *prima facie* evidence of the matters stated in the certificate.

(5) A document purporting to be a certificate issued under subsection (4) will, unless the contrary is established, be deemed to be such a certificate and to have been duly issued.

Powers of court

49AE. (1) A court that convicts a person of an offence under section 49AD may, on application by the Commission or the liquidator of the incorporated association (if any), declare that the person is personally responsible without any limitation of liability—

- (a) in the case of a conviction under section 49AD(1)—for the payment to the incorporated association of an amount equal to the whole of the debt to which the conviction relates or such part of the debt as the court considers appropriate; and
- (b) in the case of a conviction under section 49AD(3)—for the payment to the incorporated association of the amount required to satisfy all or any of the association's debts, as the court considers appropriate.

(2) A court that makes a declaration under this section may make any consequential and ancillary orders and directions.

(3) This section has effect despite the fact that the person concerned is criminally liable in relation to the matters on the ground on which the declaration is made.

(4) On the hearing of an application under this section, the applicant may give evidence or call witnesses.

Frauds by officers

49AF. (1) A person who, while an officer of an incorporated association—

- (a) by false pretences or by means of any other fraud, induces a person to give credit to the association or to a related body corporate; or
- (b) with intent to defraud the association or a related body corporate, or members or creditors of the association or a related body corporate, makes or purports to make, or causes to be made or to be purported to be made, any gift or transfer of, or charge on, or causes or connives at the levying of any execution against, property of the association or of a related body corporate; or
- (c) with intent to defraud the association or a related body corporate, or members or creditors of the association or of a related body corporate, conceals or removes any part of the property of the association or of a related body corporate after, or within two months before, the date of any unsatisfied judgement or order for payment of money obtained against the association or a related body corporate,

is guilty of an offence.

Maximum penalty: \$10 000 or two years imprisonment.

(2) In this section "related body corporate" has the same meaning as in the *Corporations Law*.

Insertion of s. 53A

17. The following section is inserted in the principal Act after section 53:

Reservation of name

53A. (1) A person may apply to the Commission, in the prescribed form, for reservation of a name for a proposed incorporated association.

(2) The Commission may accept an application for reservation of a name under this section if the Commission is satisfied that—

- (a) the application has been made in good faith; and
- (b) the name is available for reservation; and
- (c) the name satisfies the criteria prescribed by Part 3 in respect of names of associations applying for incorporation or amalgamation.

(3) If the Commission accepts an application for reservation under this section—

- (a) the name proposed in the application will be reserved for a period of three months from the date of acceptance of the application; and
- (b) the Commission must not, during that three months, without the consent in writing of the applicant, accept any other application for reservation of a name or register any association under a name that is likely to be confused with the reserved name.

(4) The Commission must maintain a register of names reserved under this section.

(5) The Commission may cancel the reservation of a name under this section at any time before the expiration of the three month reservation period if—

- (a) the Commission becomes aware of any reason why the name should not have been reserved; or
- (b) the applicant notifies the Commission that he or she no longer wishes the name to be reserved.

Insertion of ss. 58 and 58A

18. The following sections are inserted in the principal Act after section 57:

Falsification of books

58. (1) An officer, former officer, member or former member of an incorporated association who conceals, destroys, mutilates or falsifies any books relating to or affecting the affairs of the association is guilty of an offence.

Maximum penalty: \$5 000 or one year imprisonment.

(2) Where matter that is used or intended to be used in connection with the keeping of any books relating to or affecting the affairs of an incorporated association is recorded or stored in an illegible form by means of a mechanical device, an electronic device or any other device, a person who—

- (a) records or stores, by means of that device, matter that the person knows to be false or misleading in a material particular; or
- (b) destroys, removes or falsifies matter that is recorded or stored by means of that device, or has been prepared for the purpose of being recorded or stored, or for use in compiling or recovering other matter to be recorded or stored by means of that device; or
- (c) having a duty to record or store matter by means of that device, fails to record or store the matter by means of that device—
 - (i) with intent to falsify any entry made or intended to be compiled, wholly or in part, from matter so recorded or stored; or
 - (ii) knowing that the failure to so record or store the matter will render false or misleading in a material particular other matter so recorded or stored,

commits an offence.

Maximum penalty: \$5 000 or one year imprisonment.

(3) It is a defence to a charge arising under this section if the defendant proves that he or she acted honestly and that, in all the circumstances, the act or omission constituting the offence should be excused.

General defence

58A. It is a defence to a charge of an offence against this Act if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

Amendment of s. 63—Evidentiary provision

19. Section 63 of the principal Act is amended by inserting after paragraph (b) of subsection (6) the following paragraphs:

- (c) a certificate purporting to be under the seal of the Commission and certifying that a specified incorporated association has altered its name in the manner specified in the certificate, including the dates on which the alterations were registered by the Commission, is to be accepted, in the absence of proof to the contrary, as proof of the matters so certified; and
- (d) a certificate purporting to be under the seal of the Commission and certifying that a specified incorporated association has been or is being wound up, including the date on which the winding up commenced and (if relevant) the date on which the association was dissolved, is to be accepted, in the absence of proof to the contrary, as proof of the matters so certified; and

- (e) a certificate purporting to be under the seal of the Commission and certifying that specified incorporated associations amalgamated to form an incorporated association specified in the certificate, including the date of incorporation of the amalgamated association, is to be accepted, in the absence of proof to the contrary, as proof of the matters so certified.

Repeal of schedule

20. The schedule of the principal Act is repealed.

Further amendments

21. The principal Act is further amended as set out in the schedule.

**Associations Incorporation (Miscellaneous)
Amendment Act 1997**

No. 29 of 1997

- Section 30(2) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: \$5 000.
- Section 30(3) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: \$5 000.
- Section 31(1) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: \$5 000.
- Section 32(1) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: \$5 000.
- Section 35(1) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: \$5 000.
- Section 35(2) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: \$5 000.
- Section 35(7) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: (a) if the offence is committed with intent to deceive or defraud the association, creditors of the association or creditors of any other person or for any fraudulent purpose—\$20 000 or imprisonment for four years; or
- (b) in any other case—\$5 000.
- Section 36(3) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: \$5 000.
- Section 37(2) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: \$1 250.
- Section 39A(1) Strike out the penalty provision at the foot of this subsection and substitute the following:
- Maximum penalty: \$20 000 or imprisonment for four years.

**Associations Incorporation (Miscellaneous)
Amendment Act 1997**

No. 29 of 1997

Section 56(4)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$1 250.
Section 56(5)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$1 250.
Section 57(1)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$1 250.
Section 57(2)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$1 250.
Section 59(2)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$1 250.
Section 60	Strike out the penalty provision at the foot of this section and substitute the following: Maximum penalty: \$5 000.
Section 61(6)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$750.
Section 62(6)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$10 000 or imprisonment for two years.
Section 62(7)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$10 000 or imprisonment for two years.
Section 62(8)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$10 000 or imprisonment for two years.
Section 62(9)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$10 000 or imprisonment for two years.
Section 62(11)	Strike out the penalty provision at the foot of this subsection and substitute the following: Maximum penalty: \$10 000 or imprisonment for two years.
Section 67(2)	Strike out from paragraph (e) "a division 8 fine" and substitute "\$1 250".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor